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In re application of

Naoto Ikegawa et al.

Serial No. 09/986,005

Filed: November 7, 2001

For: RESIN MOLDINGS

DECISION ON
PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed July 16, 2003.

On November 29, 2002, a first office action was mailed by the examiner, rejecting all of the claims present in the application. Applicants responded to this office action with a response filed on April 18, 2003. A final rejection was then mailed on July 16, 2003. A response was filed by applicants to the final rejection on January 15, 2004. The response included a request to withdraw the finality of the final office action. An advisory action refusing entry of the amendment was mailed on February 20, 2004.

On March 10, 2004 the instant petition under 37 CFR 1.181 was filed to formally request the withdrawal of finality of the July 16, 2003 office action.

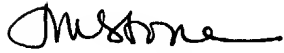
Applicants position for the withdrawal of the finality is that the new grounds of rejection in the final office action were not necessitated by Applicant's amendments to the claims.

DECISION

Section (f) of Rule 181 states:

(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

In the instant case, Applicants first requested a withdrawal of the finality on January 15, 2004. This was almost 6 months after final rejection. The instant petition was filed almost 8 months after the mailing of the final rejection. Both requests are clearly untimely. Accordingly, the petition to withdraw finality is **DISMISSED**.



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